

**MENOMINEE TRIBAL LEGISLATURE – RECESSED REGULAR
FEBRUARY 19, 2010
MENOMINEE TRIBAL OFFICE BOARD ROOM
KESHENA, WI 54135
4:00 P.M.**

MEMBERS PRESENT:

Laurie A. Boivin, Tribal Chairwoman
Randal Chevalier
Lynnette A. Miller
Myrna R. Warrington
Lisa S. Waukau
Bruce J. Pecore
Kenneth A. Fish
Rebecca D. Alegria

MEMBERS ABSENT:

David A. Miller – (Excused Absence)

1. Call to Order – Roll Call

Chairwoman Laurie Boivin called the recessed meeting to order at 4:00 PM. Roll Call was taken with a quorum present.

MOTION BY REBECCA ALEGRIA TO GO BACK AND REVISIT “OTHER BUSINESS” NUMBER 21. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

21. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.

MOTION BY REBECCA ALEGRIA TO ENTERTAIN UNDER “OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:” - 1) NEWS FROM INDIAN COUNTRY SPONSORSHIP REQUEST; & 2) RESOLUTION NO. 10-04 TRIBAL GOVERNMENT NCAI MEMBERSHIP. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

1) News from Indian Country Sponsorship Request; &

Chairwoman Boivin informed MTL that this request came in from News from Indian Country and it has to do with the GLITC State of the Tribe’s Address, and they are looking at the surrounding Tribe’s to sponsor \$400 for a live news video recording. There was no action taken.

2) Resolution No. 10-04 Tribal Government NCAI Membership.

MOTION BY REBECCA ALEGRIA TO APPROVE MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION NO. 10-04 TRIBAL GOVERNMENT NCAI MEMBERSHIP WAIVE THE READING AND AUTHORIZE THE SIGNATORIES. SECOND WAS MADE BY BRUCE PECORE WITH CORRECTIONS. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

Legislator Waukau requested that in the “*NOW, THEREFORE, BE IT RESOLVED*” clause that her name be replaced with Chairwoman Laurie Boivin’s name.

Legislator Warrington stated that all the titles should be corrected to reflect “Tribal Legislator.” In addition, she requested that the Chair’s title be consistent, because she has seen it printed three (3) different ways; such as, Tribal Chairperson, Tribal Chairman, Tribal Chairwoman; therefore, it should be consistent with just one (1) title.

Legislator Waukau stated that the Constitution says, “Tribal Chairman,” and she believes that they should stay consistent with the Constitution, and that is why she used that title.

Legislator’s stated that it’s the wishes of the new Chair, but if they want to be consistent with the Constitution then everyone will have to be notified immediately of the change before any further documents are updated such as the directory; signed; or any further documents brought forward for MTL approval. It was the consensus of the Legislature to allow the Chair to choose how they wish to be addressed. Chairwoman Boivin requested to be known as “Chairwoman Boivin” throughout her Chairmanship.

THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

30. Management Team Reports.

Department of Administration’s Monthly Report

Tribal Administrative Manager, Jeremy Weso handed out an addendum to his monthly report associated with the Legislative motion that was previously passed on January 21, 2010 to authorize Tribal Administration to proceed with the renovations of the Transit Center with the ARRA funds, and that they work with our Consultant on future business proposals. He was seeking permission of his proposals explained in the handout, but the Tribal Legislature declined his requests because they want to keep that facility and area for Economic Development purposes. MTL instructed Mr. Weso to work with the Consultant to develop a viable plan for the facility.

MOTION BY KENNETH FISH THAT THE PROPERTY THAT IS NOW KNOWN AS THE OLD TRANSIT FACILITY AND PROPERTY BE DESIGNATED FOR FUTURE ECONOMIC AND BUSINESS DEVELOPMENT VENTURES, AND THAT BE HELD FOR THOSE PURPOSES UNTIL SUCH TIME THAT A LONG TERM ECONOMIC DEVELOPMENT PLAN IS DEVELOPED. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 4 FOR, 3 OPPOSED (PECORE, CHEVALIER, & ALEGRIA), 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Pecore qualified his opposition as follows: *“there are questions that I have and I don’t have all the answers.”*

Legislator Chevalier qualified his opposition as follows: *“that motion will result in the loss of ARRA stimulus funds and I’m not in favor of it.”*

Legislator Alegria qualified her opposition as follows: *“I agree with Randal and I also agree that there’s no solid plan in place for economic development.”*

Human Resources Monthly Report

Human Resources Manager, Bernard “Ben” Kaquatosh informed MTL that he has received concerns regarding any potential identify theft requesting employees to provide a social security number on the initial random “chain of custody” form utilized for drug testing. He provided the Legislature of the current process. By mutual agreement that will no longer be required, but the only fields that will be required are the employee number and a picture identification card if Maehnowesekiyah’s staff does not know you.

Financial Monthly Report

Finance Director, Kathy Kaquatosh informed the Legislature of the Tribe’s current financial status, and updated her calculations that were submitted for the meeting packets.

MOTION BY LYNNETTE MILLER TO APPROVE THE FEBRUARY 2010 MANAGEMENT TEAM REPORTS. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

31. Approval of Minutes - December 17, 2009 - Regular.

MOTION BY LYNNETTE MILLER TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 17, 2009 WITH ANY CORRECTIONS. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

32. Committee Reports & Recommendations.

a. Health & Family Committee of October 20, 2009.

i. Request Approval of Child Support Policies and Procedures.

MOOT - Previously taken up under agenda item number 13.

b. Community Development Committee of December 14, 2009.

i. Request Approval of Residential Lease;

MOOT - Previously taken up under agenda item number 6.

c. Community Development Committee of February 9, 2010.

i. Request Allocation of Funds;

MOTION BY MYRNA WARRINGTON TO CONCUR WITH THE COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION OF FEBRUARY 9, 2010 TO RECOMMEND TO THE MENOMINEE TRIBAL LEGISLATURE TO SEND THIS REQUEST TO THE MENOMINEE TRIBAL LEGISLATURE FOR ALLOCATION OF FUNDS FOR THIS PROJECT. (*\$1,950 FOR TWO BULLETIN BOARDS TO REPLACE THE EXISTING ONES LOCATED ON THE OUTSIDE OF ZOAR CEREMONIAL BUILDING AND THE SOUTH BRANCH COMMUNITY CENTER*). NO SECOND NECESSARY.

PLEASE NOTE: This motion was withdrawn, because the Budget and Finance Committee will need to embed where the need will come from, and then bring that recommendation back for approval.

MOTION BY MYRNA WARRINGTON TO SEND THE COMMUNITY DEVELOPMENT COMMITTEE'S REQUEST TO THE BUDGET AND FINANCE COMMITTEE. (*\$1,950 FOR TWO BULLETIN BOARDS TO REPLACE THE EXISTING ONES LOCATED ON THE OUTSIDE OF ZOAR CEREMONIAL BUILDING AND THE SOUTH BRANCH COMMUNITY CENTER*). SECOND WAS MADE BY REBECCA ALEGRIA. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER)

ii. Request Approval to Cancel Residential Lease;

MOOT - Previously taken up under agenda item number 4.

iii. Request Approval for Residential Lease Requests;

MOOT - Previously taken up under agenda item number 6.

iv. Request Approval of Program Lease; and

MOOT - Previously taken up under agenda item number 7 & 8.

v. Request Approval of Lease Requests as Submitted.

MOOT - Previously taken up under agenda item number 4 through 8.

- 33. As per LRP 5.03 - EXECUTIVE SESSION: (A) Legal - 1) Removal of Tribal Member from Rolls; & 2) Approval of Attorney Contract; (B) Personnel - 1)82-10 Appeals Board Recommendation of January 28, 2010; & (C) Gaming - 1) MIGA Action.**

MOTION BY RANDAL CHEVALIER TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

****EXECUTIVE SESSION WAS NOT RECORDED****

MOTION BY LYNNETTE MILLER TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

(A) Legal

1) Removal of Tribal Member from Rolls;

MOTION BY MYRNA WARRINGTON THAT WE SEND THE ENROLLMENT ISSUE BACK TO THE COMMISSION REQUESTING THAT THEY WORK WITH THE TRIBAL ATTORNEY AND REVIEW OTHER AVAILABLE FORMATS FOR FACTS AND FINDINGS, AND FOLLOW THE PRESENT ENROLLMENT ORDINANCE. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

2) Approval of Attorney Contract;

MOTION BY LISA WAUKAU THAT WE APPROVE THE CONTRACT FOR MCELROY, MEYER, WALKER, AND CONDON, P.C., AND ACCOMPANYING RESOLUTION NO. 10-03 (*APPROVAL OF ATTORNEY CONTRACT*) AND AUTHORIZE THE CHAIRMAN AND SECRETARY TO SIGN SAID DOCUMENT. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 5 FOR, 0 OPPOSED, 2 ABSTENTIONS (CHEVALIER & FISH), AND 1 ABSENT (D. MILLER).

PLEASE NOTE: Legislator Chevalier did not qualify his abstention.

Legislator Fish qualified his abstention as follows: *"the scope of work is unclear."*

3) State Official to Meet with Tribe; &

There was no motion made after coming out of Executive Session.

4) Subpoena Duces Tecum; and

PROPRIETARY MOTION BY LISA WAUKAU. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

PROPRIETARY MOTION BY LISA WAUKAU. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

(B) Personnel;

1) 82-10 Appeals Board Recommendation of January 28, 2010;

Chairwoman Boivin informed the Legislature that this should not have been listed on the agenda; therefore, no action was required.

(C) Gaming.

1) MIGA Action; &

PROPRIETARY MOTION BY LISA WAUKAU. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (D. MILLER).

2) Kenosha Updates.

There was no motion made after coming out of Executive Session.

34. Adjournment.

MOTION BY LYNNETTE MILLER/LISA WAUKAU TO ADJOURN. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 0 ABSENT.

Meeting Adjourned at 8:30 PM

Respectively submitted by,



Debra A. Bowman, Recorder/Transcriber
EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE